

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

C.R. No.5245 of 2017(O&M)

Date of Decision:09.08.2017

Amit Kumar and others

...Petitioners

Versus

Mohar Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandeep Kumar Yadav, Advocate
for the petitioners.

ANIL KSHETARPAL, J. (ORAL)

Plaintiffs-petitioners have filed the revision petition under Article 227 of the Constitution of India against the order passed by the Civil Judge (Junior Division), Narnaul dated 27.07.2017, dismissing the application under Sections 151 and 152 CPC.

Surender Kumar is alleged to have entered into an agreement to sell with defendant/respondent-Mohar Singh. It is alleged that out of total sale consideration of Rs.10 lacs, Rs.8 lacs was paid as earnest money. However, defendant did not honour the agreement to sell. In the meantime, Surender Kumar died. Plaintiffs being legal heirs of Surender Kumar, filed the suit for specific performance of the agreement to sell.

Plaintiffs while giving the names of legal heirs, disclosed name of the mother as 'Smt. Basanti Devi'. It was specifically mentioned in the plaint that she is mother of Surender Kumar.

When the case was ripe for arguments, plaintiffs moved an application under Sections 151/152 CPC for rectification of the name with the assertion that the name of mother is, in fact, 'Smt. Banarsi Devi' and not 'Smt. Basanti Devi'. It was further asserted that the aforesaid error has crept in due to typographical mistake.

Notice of the application was given to the defendant. Defendant filed reply. It was pleaded that this error was in the knowledge of the plaintiffs and if correction of the name is permitted, it would change the nature of the suit.

The learned trial Court chose to dismiss the application on the ground that the trial has started and is at the fag end, therefore, correction can not be permitted.

I have heard the learned counsel for the petitioners.

It is not a case of amendment of the plaint. It is only a case of correction of typographical mistake. Smt. Basanti Devi as the name given in the plaint, is shown to be the mother of late Sh. Surender Kumar. Now by way of application, the plaintiffs have given the correct name, which is Smt. Banarsi Devi.

In my considered opinion, such a correction can be permitted to be carried out even after the trial is complete. Section 153 read with Section 151 provide ample power to the Court to allow correction of such nature. In case of corrections, Courts have power to permit the parties to carry out correction even after the case has been finally decided. Therefore, the learned Civil Judge (Junior Division), Narnaul, committed a serious error in

dismissing the application.

For the reasons recorded above, the revision petition is allowed. The order dated 27.07.2017 is set aside. Plaintiffs are permitted to carry out the necessary correction.

Since the revision petition is being allowed without issuance of the notice to the respondent, therefore, respondent is given liberty to move an application for recalling of the order, if he so desires.

Revision petition is allowed.

(ANIL KSHETARPAL)
JUDGE

09.08.2017
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No